

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA**

Mitchell J. Pettinato,) C.A. #2:05-1226-PMD
)
Petitioner,)
)
vs.) **ORDER**
)
Willie Eagleton, Warden,)
)
Respondent.)
)

On September 21, 2007, this court issued an Order granting respondent's summary judgment motion in the above referenced matter due to petitioner's failure to file objections to the Magistrate Judge's Report and Recommendation. Objections were due to be filed with the Court on or before September 18, 2007. The court received a Motion for Enlargement of Time from petitioner on September 24, 2007, and it appears that said motion was received by the Allendale Correctional Institution's mail room on September 18, 2007, thereby making the motion timely. Now therefore,

IT IS HEREWITH ORDERED that this court's Order filed on September 21, 2007, granting summary judgment in favor of the respondent, together with the judgment also filed on September 21, 2007, in the above named matter, are herewith vacated, and this matter is hereby reinstated.

IT IS FURTHER ORDERED that petitioner's Motion for Enlargement of Time to file objections to the Magistrate Judge's Report and Recommendation is **GRANTED**, and petitioner's objections are now due on or before November 1, 2007.

AND IT IS SO ORDERED.



PATRICK MICHAEL DUFFY
United States District Judge

October 1, 2007
Charleston, South Carolina